

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H

Safe and Healthy Lives in Safe and Healthy Communities

DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

In the matter of:
L. Lee Bosley, M.D.
License #: MD 9115

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) the Division of Medical Quality Medical Board of California notified the Board of Medical Licensure and Discipline that the Respondent had been subject to disciplinary action in California. The Rhode Island Board of Medical Licensure and Discipline has jurisdiction to take reciprocal action by virtue of §5-37-5.1 of the General Laws. The following constitutes the Investigating Committee's Findings of Fact:

Findings of Facts

The Respondent has sought to renew his license to practice in Rhode Island. A review of the Respondent's application revealed the following:

The California Medical Board disciplined the Respondent for Unprofessional Conduct. A summary of the causes for discipline are as follows:

Respondent employed persons with the title of "senior medical assistant" who did not qualify as medical assistant within the definition of that term who were required to wear white lab coat similar to those worn by Respondent and other physicians. The "Senior Medical Assistants" were permitted to make the initial determination and estimate the

number of surgical procedures a prospective patient needs before a patient was seen and evaluated by a physician. It is Respondent's office practice to forbid or discourage physicians from discussing fees with patients or prospective patients. The "senior medical assistants" are trained and designated to handle all discussions of fees with prospective patients and patients. The "senior medical assistants have been compensated by a salary along with a "grid" commission structure predicated on a percentage of the sales generated resulting in an incentive for the "senior medical assistant" to obtain "first starts", patients willing to undergo surgery for the first time. It was a practice in Respondent's office to take and charge a prospective patient for blood laboratory tests and proceed to surgery without waiting for the results of those blood tests. It is the practice in Respondent's office to schedule and perform surgery on a patient on the same day as the patient has his initial consultation. Respondent performed a hair transplant procedure, 100 grafts, on patient D.C. Patient received sedative shots at 10:15 a.m. and at 12:45 p.m. but did not see Respondent until 2:15 p.m. at which time he needed additional sedative. However, respondent left the surgical room without closing patient D.C.'s open scalp wound. Patient D. C. waited more than five hours, until about 7:45 p.m., before another physician appeared to sew the incision closed and end the surgery. Respondent destroyed post-operative photographs of at least two patients who had complained of poor results. It was respondent's office practice to not inform patients and prospective patients fully as to the possible experience and results of the surgical procedures planned, particularly the possible level of pain and possible amount of scarring. The respondent's employees and representatives are trained and instructed to avoid the terms "pain" and "scarring" and to

tell patients and prospective patients that "the procedures are less painful than going to the dentist and create only a slight sensation," which respondent knows or should know is not true for many patients. The respondent's approved and caused to be disseminated false and misleading advertising, in print and in video, which contained photographs of patients and their hairlines which have been altered, airbrushed and otherwise retouched without indicating such in said advertising. The respondent advertised prospective patients will receive a free initial diagnosis and consultation with a medical doctor and that the doctor will thoroughly discuss fees. The consultation is conducted by the "senior medical assistant", not a medical doctor.

The Respondent, L. Lee Bosley, M.D., a summary of reported reciprocal disciplinary actions in other states is as follows:

California, Washington, Georgia, Oregon, Ohio, Idaho, Maryland, North Carolina, New York, Connecticut, Pennsylvania, Utah, Michigan, Washington, Missouri, Virginia, Georgia, Indiana, Massachusetts, and Wisconsin.

The Board of Medical Licensure and Discipline finds the Respondent guilty of unprofessional conduct for acts which would be grounds for discipline in Rhode Island in violation of Rhode Island General Laws § 5-37-5.1.

The parties agree as follows:

The Respondent is a physician with an expired allopathic license No. 9115. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

(2) Respondent hereby acknowledges and waives:

a. The right to appear personally or by counsel or both before the Board;

b. The right to produce witnesses and evidence in his behalf at a hearing;

c. The right to cross examine witnesses;

d. The right to have subpoenas issued by the Board;

e. The right to further procedural steps except for specifically contained herein;

f. Any and all rights of appeal of this Consent Order;

g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;

h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

(3) Any objection to the fact that potential bias against the Respondent;

(4) Acceptance of this Consent Order constitutes an acknowledgement by the Respondent of the matters set forth herein.

- (5) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
- (6) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (7) Respondent's request to reactivate his license in Rhode Island is **Denied**.

Signed this 6th day of June, 2002.

L. Lee Bosley, M.D.
L. Lee Bosley, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on June 12, 2002.

Patricia A. Nolan, MD, MPH
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Director of Health